

## **REMARKS**

Applicant respectfully requests reconsideration of the present application. At the time the Examiner mailed the Office Action claims 28-35, 37-44 and 55-59 were pending. By way of the present response claims 28, 43, 44 and 57 have been amended. Claim 58 has been cancelled. New claims 60-65 have been added.

## **Interview Summary**

Applicant thanks the Examiner for the courtesies extended during the telephone interview held on November 30, 2010 with Applicant's representative Jacob T. Aikin during which the rejections of claims 28 and 57 were discussed. Possible claim amendments relating to the features of claim 57 were discussed which may require a new search.

## **Information Disclosure Statement**

It is noted that the Examiner has not initialed the references submitted in the four Information Disclosure Statements submitted on June 10, 2010. It is respectfully requested the Examiner consider the references along with the current supplemental amendment and response. One additional Information Disclosure Statement is also being newly submitted herewith.

## **Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 28-35, 37-44 and 56-58 under 35 U.S.C. § 103(a) as being unpatentable over *Saadat et al.*, (U.S. Patent No. 5,935,137) in view of *Berhow et al.* (U.S. Publication No. 2003/0135198). The Examiner has rejected claim 55 under 35 U.S.C. § 103(a) as being unpatentable over *Saadat et al.*, in view of *Berhow et al.* as applied to Claim 28, and further in view of *Shepherd et al.* (U.S. Patent No. 3,566,874). The Examiner has rejected claim 59 under 35 U.S.C. § 103(a) as being unpatentable over *Saadat et al.*, in view of *Berhow et al.* as applied to Claim 28, and further in view of *Peters* (U.S. Patent No. 5,441,485). It is respectfully

submitted that the cited references, alone or in combination, do not disclose each and every feature of amended independent claim 28.

By way of the present response, independent claim 28 has been amended to require, *inter alia*, “wherein the proximal portion joins the distal portion, and the proximal portion further comprises a visualization marker where the proximal portion joins the distal portion to enhance visualization of a proximal-most end of the distal portion”. Support for the amendment can be found in at least original claim 43, Fig. 4 and paragraphs [0044] and [0049] of the description.

It is Applicant’s understanding that *Saadat et al.* discloses a tubular fallopian sterilization device in which an extruded outer jacket (17) is applied to the entire length of the reinforced shaft (11), paragraph [0053]. As described in paragraph [0058], the outer jacket (17) may further comprise a radiopaque filler (19) blended into the polymeric material of the jacket prior to extrusion. Thus, it is respectfully submitted that the radiopaque filler (19) is not “a visualization marker where the proximal portion joins the distal portion to enhance visualization of a proximal-most end of the distal portion” as is taught and claimed by Applicant in amended independent claim 28.

It is Applicant’s understanding *Berhow et al.* describes catheter device having a plurality of lumens (15) extending the length of the catheter. It is Applicant’s understanding that *Shepherd et al.* discloses catheters provided with a coating of a hydrophilic acrylate or methacrylate polymer. It is respectfully submitted that *Berhow et al.* and *Shepherd et al.* do not remedy the deficiencies of *Saadat et al.* discussed above.

Claims 29-35, 37-44 and 55-59 are dependent directly or indirectly upon independent claim 28 and are patentable for at least the same reasons. Therefore, Applicant respectfully requests the withdrawal of the rejections of claims 28-35, 37-44 and 55-59 U.S.C. § 103(a).

### **New Claims**

New claims 60-65 have been added.

Support for new claims 60-63 can be found in at least Fig. 4 and paragraph [0048] of the description.

Support for new claims 64-65 can be found in at least paragraphs [0023] and [0045] of the description.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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